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Attorney Docket No.: SEQ-4031-UT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gail I. ADAM and Maria L. LANGDOWN

Application No.: 10/608,296

Filed: 27 June 2003

Title: Diagnosing Predisposition of Fat Deposition and

Associated Conditions

Attorney Docket No.: SEQ-4031-UT

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

COMMUNICATION REGARDING SUBMISSION OF PREVIOUSLY FILED PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

Mail Stop: Petitions Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 **VIA FACSIMILE: 703-872-9306**

Sir:

The undersigned attorney requests that the Petition Division consider the submission of thee attached documents retroactive to the date of December 6, 2004 or December 7, 2004, when they were filed with the Office by facsimile. The reason for the request for retroactive acceptance is as follows.

On December 6, 2004, the attached Petition to Withdraw Holding of Abandonment and supporting documents were filed by facsimile at (703) 872-9306. When the confirmation report was received, it was determined the number of pages listed as transmitted did not match the number of pages in the filing. Immediately following receipt of this report, the documents were filed again via facsimile on December 7, 2004.

Attorney Docket No.: SEQ-4031-UT

Attached is a copy of the filing on December 6, 2004 and December 7, 2004, and a copy of each confirmation report is attached to the end of the filing. The confirmation report at the very end of the attachment shows all 26 pages were received by the Office on December 7, 2004.

Applicants respectfully request that the Abandonment be withdrawn under 37 C.F.R. § 1.181(a) in accordance with the attached Petition.

It is believed that no fees are due in connection with this submission other than the surcharge fee with the Notice to File Missing Parts. However if the Patent Office determines that an extension and/or other relief is required, the undersigned attorney petitions that the Office contact him immediately at (858) 623-9470.

Respectfully submitted,

Bruce D. Grant

Telephone No.: 858 623-9470 Facsimile No.: 858 623-9476

Email: bruce@biotechnologylawgroup.com

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being transmitted to facsimile no.: (703) 872-9306 at Mail Stop: Petitions, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date of Deposit: JUNE 24, 2005

Typed Name: Bruco D. Grant

Signature:

2009/033

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Attorney Docket No.: SEQ-4031-UT

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gail I. ADAM and Maria L. LANGDOWN

Application No.: 10/608,296

Filed: 27 June 2003

Title: DIAGNOSING PREDISPOSITION OF FAT

DEPOSITION AND ASSOCIATED

CONDITIONS

Attorney Docket No.: SEQ-4031-UT

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

This petition is in response to a Notice of Abandonment issued by the Office on October 21, 2004 for failure to reply to a Notice to File Missing Parts mailed on September 24, 2003.

Applicants respectfully request that the Office withdraw the holding of abandonment as the Notice to File Missing Parts never was received, as described in further detail hereafter.

Attorney Docket No.: SEQ-4031-UT

REMARKS

The Applicants respectfully request that the Office withdraw the holding of abandonment under 37 C.F.R. § 1.181(a) on the basis that the outstanding Notice to File Missing Parts was not received in time to file a response within the statutory period.

The Notice to File Missing Parts was not received by the Applicants' former representatives and a search of the file jacket and docketing records indicated that the Notice to File Missing Parts never was received. As evidence of non-receipt, attached as Exhibit A is a copy of the docket record for November 24, 2003, where the shortened statutory deadline for filing a response to the Notice to File Missing Parts would have been present had it been received. Thus, the Notice to File Missing Parts never was received from the Office and Applicants respectfully request that the Office withdraw the holding of abandonment.

This Petition is timely filed as it is submitted within two-months from the date the Notice of Abandonment was mailed by the Office.

Applicants file herewith a duly executed Declaration and surcharge fee of \$65.00 to fulfill the requirements of the Notice to File Missing Parts for the purpose of expediting prosecution.

Also filed herewith is a Power of Attorney and Statement under 37 CFR 3.73(b) with a copy of an Assignment.

Attorney Docket No.: SEQ-4031-UT

It is believed that no fees are due in connection with this submission other than the surcharge fee with the Notice to File Missing Parts. If the Office, however, determines that an extension and/or other relief is required, Applicant requests that the Office contact the undersigned immediately at (858) 623-9470.

I hereby certify that this correspondence is being transmitted to the USPTO via facsimile at (703) 872-9306.

Date of Deposit: December 7, 2004

Typed Name: Bruce D. Grant

Signature:

Respectfully submitted,

By

Bruce D. Grant

BioTechnology Law Group

658 Marsolan Avenue

Solana Beach, California 92075 Telephone No.: 858 623-9470 Facsimile No.: 858 623-9476

Monday, November 44, 4000	Manday Movember 24 2002
Morrison & Foerster Actions Due	MORRISON & FOERST

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CELLULAR VACCINES AND MANUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION

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